IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 17-CR-30067-SMY
	)	
ANDREW DOUGLAS BROAD,	)	
	)	
Defendant.	)	

MOTION TO DESIGNATE CASE A MULTIPLE VICTIM CASE UNDER THE JUSTICE FOR ALL ACT OF 2004

The United States of America moves this Court for an Order designating this case as a Multiple Victim case pursuant to the Justice for All Act of 2004, 18 U.S.C. §3771(d)(2), and permitting the government to provide notice of the proceedings through an internet website.

This case arose out of the fraudulent business practices of a Florida-based corporation that operated under the name, Client Care Experts, LLC, formerly known as First Choice Tech Support, LLC. Client Care/First Choice was a computer technical support telemarketing scheme that victimized over 40,000 consumers spread across each of the 50 States, the District of Columbia, Puerto Rico, several U.S. territories, all ten Canadian Provinces, the United Kingdom, and several other foreign countries. At least 57 victims of the scam were located within the Southern District of Illinois, in 22 of the district's 38 counties. All told, the scheme took in over $25 million.

Under 18 U.S.C. §3771(a), a crime victim has certain rights, including a right to "reasonable, accurate, and timely notice" of court proceedings and the right to confer with the attorney for the government in the case. In this case, however, because of the large number of victims, it is impractical for the government to give individualized notice to each victim. It is likewise impractical for government attorneys to be available to consult with each victim, as the Act contemplates in the typical case.

The Act provides, in Section 3771(d)(2), that where the Court finds that "the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings." The Act places no limitations on the alternative procedures which a Court may fashion other than that the procedures be reasonable to effectuate the Act and that they not unduly complicate or prolong the proceedings.

The government has considered various alternative procedures. In some cases, the Department of Justice has taken out an advertisement in a national publication, for instance, such as the Wall Street Journal. However, we are unable to identify a single publication that would be reasonably calculated to give notice to all of the victims in this case.

Since the cost of mailing is prohibitive and a publication in a national periodical is unlikely to be of any practical value, the government proposes to comply with the Act through the establishment of a web page that can be accessed by the public. This procedure has been adopted, with this Court's blessing, in other mass marketing fraud cases, *see, e.g.*, *United States v. Garten*, No. 12-30320-GPM-NJR (Doc. #39), and it is the most practical way of complying with the Act under the circumstances, without unduly complicating or prolonging the proceedings.

WHEREFORE, the United States is asking the Court for an Order designating this case as a Multiple Victim case pursuant to the Justice for All Act of 2004, 18 U.S.C. §3771(d)(2), and permitting the government to provide notice of the proceedings through an internet website.

Respectfully submitted,

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Certificate of Service

I hereby certify that on April 28, 2017, I caused the foregoing motion to be electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

s/Scott A. Verseman
SCOTT A. VERSEMAN